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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

OCT 04 2011
CLERK, U.S. DISTRICT COURT
ST. PAUL, MINNESOTA

Ronald Hayes

11-2927 JNE/SER

Plaintiff

Complaint

vs.

Demand for jury trial

11-2927 JNE/SER

The County of Ramsey,

and

Jeff Allen, Mary Clausen,

John Doe Nos. 1-8 all in their individual

And official capacities,

Defendant

Plaintiff Ronald Hayes ("Hayes") individual and all others similarly situated for
This cause of action against defendants above-named state and allege as follows.

INTRODUCTION

This cause of action for damages is brought pursuant to 42 U.S.C. §1983 and
1988 and Eight Amendment of United States Constitution alleging violations of
The constitutional rights of Plaintiff, and every one similarly situated, seek redress
For the defendants' deliberate indifference to their serious medical needs.

SCANNED

OCT 05 2011

U.S. DISTRICT COURT ST. PAUL

INTRODUCTION

Specifically, redress is sought for inmates at the Ramsey indifference to their Serious medical needs. Specifically, redress is sought for inmates at the Ramsey Workhouse ("Workhouse") who were exposed to the infectious disease Tuberculosis ("TB"), while at the Workhouse between January 2008 and August 2008 and who then tested positive for active and or latent tuberculosis.

PARTIES

1. Plaintiff Ronald Hayes is an individual residing in the City of St. Paul County of Ramsey, State of Minnesota
2. Defendant Ramsey County is, and at all times was a political entity Charged with control and supervision of all personal of the Ramsey County Community Corrections Department and the Ramsey County Workhouse.
3. Upon information and belief, defendant Jeff Allen was, at all relevant Times a supervisory employee of the Ramsey County Community Corrections Department assigned to the Workhouse medical clinic.
4. Defendant Mary Clausen was at all relevant times an employee of the Ramsey County Corrections Department assigned as a nurse to the Workhouse Medical clinic.
5. John Doe 1-8 are male and female nurses, doctors, correctional Officers, community corrections aide, sergeants, lieutenants and other supervisor Officers assigned to the Workhouse whose identity is presently unknown

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JURISDICTION

6. Plaintiff bring this action pursuant to 42 U.S.C. §§1983 and 1988, the Eight Amendment to the United States Constitution and 28 U. S. C. §§ 1331 and 1343(3). The aforementioned statutory and constitutional provisions confer Original jurisdiction of this court.

GENERAL ALLEGATIONS

7. On or about January 8, 2008, John Doe was admitted as an inmate at the the Workhouse.

8. Upon information and belief John Doe was infected with active TB upon Admission to the Workhouse on January 8,2008.

9. Upon information and belief, John Doe 's case of active TB was not properly tested or detected by one or more of the initial defendants during intake at the Workhouse.

10. Department of Corrections regulation ,

10. Department of corrections regulation 2911.700 mandates that employee And inmates of Minnesota's correctional facilities, including the Workhouse, be Screened for TB according to Minn. Stat. &144.445

11. Minn. Stat. &144.445 states, in part:

Subd. 1. Screening of Inmates. (a) All person detained confined for 14 Consecutive days or more in facilities operated, licensed or inspected by the Department of Corrections shall be screened for tuberculosis with either a Mantoux test or a chest roentgenogram (x-ray) as consistent with screening and Follow -up practices recommended by the United States Public Health Service or the Department of Health , as determined by the commissioner of health. Administration of the Mantoux test or chest roentgenogram (x-ray) must place On or before the 14th day of detention or confinement.

12. The Workhouse is required by law to comply with Minn. &144.445 and Department of Corrections regulation 2911.7000.

13. John Doe was inmate confined in the Workhouse for 14 consecutive days or more sometime between January 2008 and August 2008.

14. Upon information and belief, defendants violated Sections 144.445 and 2911.7000 by failing to adequately perform the required testing on John Doe on Or before John Doe , 14th day of confinement.

15. Defendants violated Minn. Stat. &144.445 Department of Correction Regulation 2911.7000 as to John Doe.

16. TB is a disease cause by bacteria called Mycobacterium Tuberculosis.

17. TB bacteria typically attack the lungs, but can attack other parts other parts of the body including the Kidney, spine and brain.

18. TB generally spread through the air from one person through another when a person with active TB of the lungs or throat coughs or sneezes causing others to breath in the bacteria and become infected. Active TB is contagious and can be spread by coughing sneezing or talking.

19. Because TB mainly affects the lungs coughing is often the first Indication of an active TB infection.

20. Signs and symptoms of active TB include: coughing up blood Or sputum (phlegm from inside the lungs); weakness; fatigue loss of appetite; Pain with breathing or coughing; fever; and night sweats.

21. Latent TB can develop in active TB if left untreated. Without treatment, many people with active TB die as a result of the disease.

22. TB spreads most easily in cramped, poorly ventilated spaces. Incidence rates of TB in jails, prisons, detention centers and homeless shelters are Higher than in the general population.

23. An active TB infection poses a serious medical need to both the Person with the disease and all other persons who share living space with that Person whether as a resident, inmate or employee.

24. By early March John Doe displayed obvious signs and symptoms of TB.

25. John Doe was house in Dorm 200, 100, at the workhouse along with Plaintiff Hayes and numerous other inmates of whom, upon information and belief, because infected with latent or active TB.

26. The inmates of Dorm take their meals in a common dining area where Other inmates form other dorms in close proximity to the dining inmates.

27. Inmates and Workhouse personnel, including the individual defendants Knew that John Doe had serious medical needs numerous, either through actual Knowledge or by virtue of the fact that his needs were obvious.

28. Defendants knew the seriousness of John Doe medical needs because they were wearing masks on their face so they Knew beyond a shadow of doubt John Doe was seriously sick.

29.

29. Plaintiff demand a jury trial as to all issues of fact herein

COUNT ONE

VIOLATIONS OF EIGHT AMENDMENT RIGHTS

UNDER FARMER V. BRENNAN

30. Plaintiff and others similarly situated reallege the allegation contained in Paragraphs 1 through 30 above against all individual defendants.

31 Defendants had a duty to provide for the safety and well being Of plaintiff and others similarly situated.

32. Defendants, under the color of state law, acted with deliberate Indifference to plaintiffs' medical needs of others similarly situated in violation of Of the Eight Amendment to the United States Constitution.

33. Defendants, under color of state law knew of and disregarded An obvious and serious risk to plaintiff' health of others similarly situated and acted deliberate indifference violation of the Eight Amendment to the United- States Constitution.

34. Defendants subjected plaintiffs and others similarly situated to These deprivations of their either maliciously or by acting with reckless disregard

35. As a direct and proximate result of the acts and omissions of the Individual defendants, plaintiff and others similarly situated contracted active

and / or latent TB and suffered physical pain and mental anguish and were thereby damaged in the amount to be determined.

36. Plaintiff and others similarly situated are entitled to punitive damages.

37. Plaintiff and others similarly situated are entitled to recovery of their

Costs including reasonable attorneys' fees, under 42U.S.C. & .1988.

COUNT TWO
FAILURE TO TRAIN INDER CITY OF CANTON V. HARRIS
AGAINST DERENDANT RAMSEY COUNTY

38. Plaintiff and others similarly situated the reallege allegations in Paragraphs 1 through 38 above against defendant Ramsey County.

39. Before John Doe was moved from the Workhouse , Ramsey County, With deliberate indifference to inmates at the Workhouse ,failed to properly train Deputies and officers and failed to adopt, implement or require adherence to appropriate policies to provide timely and appropriate care to inmates when responding to obvious and serious medical needs of inmates.

40. Defendant Ramsey County, by such conduct, demonstrated deliberate indifference and a protracted failure to care for the safety of plaintiffs and others similarly situated with an obvious and serious medical need.

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41. As direct and proximate result of the acts and omissions of defendant Ramsey County, plaintiff and others similarly situated contracted active TB and Suffered physical pain and mental anguish and were thereby damaged in an Amount yet to be determined.

42. Plaintiff and others similarly situated are entitled to recovery of their cost, Including reasonable attorneys' fees, under 42 U.S.C. &1988.

COUNT THREE

CIVIL RIGHTS VIOLATIONS UNDER MONELLV. DEPARTMENT OF SOCIAL SERVICES AGAINST DEFENDANT RAMSEY COUNTY

43. Plaintiff and others similarly situated reallege the allegations in Paragraphs 1through 43 hereinabove against defendant Ramsey County.

44. Before John Doe was removed from the Workhouse, defendant Ramsey County, with deliberate indifference to the rights of inmates at the Workhouse, initiated, tolerated, permitted, failed to correct, promoted, and ratified a custom, pattern and practice on the part of its deputies, officers and employees, including the individual defendants herein, of failing to provide prompt medical emergency care.

45. As direct and proximate result of the acts and omissions, systemic Flaws, policies and customs of defendant Ramsey County, plaintiff and others Similarly situated contracted active and/or latent TB and suffered physical Pain and mental anguish and were thereby damage in an amount yet to be determined.

46, Plaintiff and others similarly situated are entitled to recovery of Costs, including reasonable attorneys, fees, and 42 U.S.C. & 1988.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs and others similarly situated pray for judgment against Defendants, and each of them jointly and severally , as follows:

1. That this court find that defendants, and each of them, Committed acts and omissions constituting violations of the Eight Amendment To the United States Constitution, actionable under 42.U.S.C. &1988;

2. As to Count two , a money judgment against all of the Individual defendants for compensatory and punitive damages together with Cost, including reasonable attorneys' fees under 42 U.S.C. & 1988

3. As to Count three, a money judgment against defendant Ramsey Count for compensatory damages together with cost , including Reasonable attorneys' fees, under 42 U.S.C. & 1988

4. For an Oder mandating serious changes in the policies and Procedures of the Ramsey County Workhouse with respect to , among other Things, training of correctional and medical staff and increased inmate Supervision;

5. That this Court award plaintiff and others similarly situated All applicable post- judgment and post –judgment interest, and

6. For such other and further relief as this Court deems just and equitable

Date this 10-4 2011

By: Ronald Hayes

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